JOSEPH FRANCIS DALY

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Joseph Francis Daly

Former Supreme Court Justice Joseph Francis Daly who had been a member of the United States Catholic Historical Society for more than thirty years died at his country home, Roanoke, Yonkers, New York, on August 6, 1916. His house was named after the river on which lies Plymouth, North Carolina, where he was born on December 3, 1840. His father Denis Daly was a sea captain and had courted his mother Elizabeth Duffey, daughter of Lieutenant John Duffey of the English army, while she with her widowed mother was voyaging in his ship from Montego Bay, Jamaica, West Indies, to New York. The young people were married in New York in 1834 shortly after the voyage ended.

Captain Daly engaged in the lumbering business at Plymouth, shortly afterwards. His first child, Catherine, died when she was about two years old. His son Augustin Daly, the famous theatrical manager and playwright, and his son Joseph were both born there. When Joseph was scarcely a year old his father died on his ship, at sea, and his young widow with her two little boys having adjusted his affairs as well as she was able, with very small means at her command moved to Norfolk, Virginia. In 1849 she came to New York where her half sister, Mrs. Woodgate, and her husband, had previously arrived from Jamaica. They settled in St. Mary's parish and lived for many years at 447 Grand Street. The parish priest at Norfolk gave Joseph a highly complimentary letter when he went away in which he praised particularly his knowledge of the Catechism. Poverty lingered with the Dalys. Both the boys had short school days. When twelve years old Joseph went to work as an office boy for a wool broker in Pine Street. The site is now occupied by the Down Town Association. Mercantile business did not appeal to the boy. A few months later he told his comrade, John H. V. Arnold, later Surrogate of New York County, some of the things that he disliked, whereupon young Arnold said that if he wanted to go into an honest business he could be an office boy in Mr. Roosevelt's law office where there was a vacancy. At this early age Joseph began his career with Robert B. Roosevelt and Silas Weir Roosevelt, the uncles of Theodore

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Roosevelt. For nearly twenty years he was associated with them as office boy, managing clerk and successor to their practice in the firm of Daly, Henry & Olin. He was elected a Justice of the Court of Common Pleas in 1870 and served for twenty-eight years, having been re-elected in 1884. He became Chief Justice of the Court in 1890. In 1895 the Court of Common Pleas was consolidated with the Supreme Court by virtue of the Constitution of 1894 and he became a Justice of the Supreme Court. In 1898 he was defeated for re-election and immediately returned to the Bar. At the age of fifty-eight when most men are looking forward to retirement or greater leisure he took up an active practice which he continued for eighteen years without intermission and in which he won for himself great distinction and increased honors.

He married in 1873 Emma Robinson Barker, the step-daughter of Judge Hamilton W. Robinson of the Court of Common Pleas. Three children were born of his marriage, Elizabeth T. Daly, Edward Hamilton Daly and Wilfrid Daly. On the death of his first wife he married Mary Louise Smith, in 1890, who, with all his children survives him. In June, 1916, he was appointed an official referee by the Appellate Division of the First Department.

He was a collaborator with Augustin Daly in his playwriting. The larger part of the literary work on the famous Daly plays was done by Judge Daly. His modesty and brotherly affection kept this fact concealed until after his brother died. He had great literary gifts. The old-fashioned law office was an excellent academy when it could cultivate its office boys into men of learning and literary charm. Some of the ablest and most cultured men in the history of the Bar of New York grew up with no other advantages than those their law offices furnished them. The Chrysostom Society of St. Mary's Church was also a factor in the cultivation of the Daly boys. Some of their contemporaries had pleasant reminiscences of their beginnings in the writing and production of plays and other literary efforts there.

Judge Daly from his early years was active in political work. In 1865 he was one of the counsel to the Municipal Reform Association. He was a member of the Committee of the Bar

that before the days of the Bar Association, met to place checks on the political bosses of that day. He was an upright, learned, revered and respected judge who had the full confidence of the Bar and of all the suitors in his Court. He held the scales of justice evenly and walked his course without fear or favor. Beginning his judicial work in his youth he came after twenty-eight years still in the maturity of his powers to the day of his second re-election . The circumstances of his defeat created bitter feelings and are probably too recent to be commented on here.

After he left the bench on January 1, 1899 Judge Daly served as chairman of the Federal Commission to Revise the Laws of Porto Rico. He was one of the New York Committee of Revision of the Education Law appointed by Governor Roosevelt. He was counsel to the Roman Catholic Orphan Asylum until his death; President of the Catholic Club for five years; a trustee and valued adviser both of St. Vincent's Hospital, New York; Trinity College for Women, Washington and the New York County Lawyers' Association; a member of the New York Law Institute and many other similar bodies. He was given the degree of LL.D. by Fordham and Villanova. He was for a generation a member of St. Vincent Ferrer's parish, New York City, and a devoted friend of the Dominican Fathers who conduct it.

He hated sham and pretence in public speaking. His graceful addresses of great strength and dignity made on many occasions are well remembered. He was sought as a representative speaker up to the end of his days. His vigor was remarkable. He kept the elasticity and humor of his youth always. He was a man of dignity and yet gracious; a delightful companion to those whom he admitted to his intimacy.

He was a founder of the Players' Club and was its vice-president when he died. He was fond of the Catholic Club and was at his best in his relations with its members both young and old. In May, 1916, he was made a Knight Commander of the Order of St. Gregory by Pope Benedict XV. He was an active member of the Xavier Alumni Sodality. He was to all who knew him always the Catholic gentleman loyal and devoted to his Faith and exemplary in its practice.

EDWARD J. MCGUIRE.

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